

DEC 20 2007

Attorney Docket No.: P-6624-US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SHEMI, Amotz et al.  
Serial Number: 10/590,053  
Filed: August 21, 2006, as a National Phase Application of PCT  
International Application No. PCT/IL2005/000208, filed on  
February 20, 2005

For: SYSTEM AND METHOD FOR THE FABRICATION OF AN ELECTRO-  
OPTICAL MODULE

Group Art Unit: Not Assigned

Examiner: Not Assigned

This Communication Submitted: December 20, 2007

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Mail Stop Petition  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION  
UNDER 37 C.F.R. §1.137(B) AND UNDER 37 C.F.R. §1.47

Sir:

Applicants Yacov Malinovich and Eli Arad, for themselves and on behalf of co-inventor Dr. Amotz Shemi, hereby respectfully petition the Commissioner under 37 C.F.R. §1.137(b) to revive the above-referenced unintentionally abandoned application, and to accord the application status as complete and acceptable in the absence of an oath or declaration of one of the inventors, Dr. Amotz Shemi under 37 C.F.R. §1.47.

SUPPORTING INFORMATION

Last Known Address of Dr. Shemi:

24 Malchei Yehuda Street  
Herzliya 46348  
Israel

APPLICANT(S): SHEMI, Amotz et al.  
SERIAL NO.: 10/590,053  
FILED: August 21, 2006

Supporting Documents:

Attachment (1): Authorization to charge to Deposit Account No. 50-3400 the fee of \$775.00 under 37 C.F.R. §1.17(m) for the Petition to Revive and the fee of \$200.00 under 37 C.F.R. §1.17(g) for the 37 C.F.R. 1.47;

Attachment (2): Declaration for the present application signed by Yacov Malinovich and Eli Arad, two of the three inventors of the subject matter of this application;

Attachment (3): Revocation of Power of Attorney and Substitute Power of Attorney in favor of the undersigned, and including a change of correspondence address signed by Messrs Malinovich and Arad;

Attachment (4): Declaration of Shai Belzer, Chief Financial Officer of ColorChip Ltd.. ("ColorChip"), the company by whom the inventors were employed when the invention was made (the "Belzer Declaration").

DISCUSSION

Regarding the Aspect of This Petition to Revive an Abandoned Application:

The above identified application became abandoned on May 20, 2007 for failure to respond to a Notification of Missing Requirements Under 35 U.S.C. §371 (the Notification) dated November 20, 2006, which indicated that the oath or declaration filed with the application was not executed in accordance with 37 C.F.R. §1.66 or 37 C.F.R. §1.68.

As a consequence of the engagement of new attorneys, as indicated by Attachment (3), and the physical transfer of the application file, the need to respond to the Notification was overlooked. The entire delay in filing the required reply in response to the Notification from the due date for the reply until the filing of the present, grantable Petition to Revive under 37 C.F.R. §1.137(b), was unintentional.

The accompanying declaration (Attachment (2)) signed by Messrs. Malinovich and Arad, two of the three inventors, is in proper form, and overcomes the deficiency stated in the Notification as to these two inventors. It is respectfully submitted that the aspect of this petition directed to 37 C.F.R. 1.47, the Belzer Declaration (Attachment (4)), and the other

APPLICANT(S): SHEMI, Amotz et al.  
SERIAL NO.: 10/590,053  
FILED: August 21, 2006

information contained herein, constitute a complete response to the Notification as to Dr. Shemi.

Regarding the Aspect of This Petition Directed to 37 C.F.R. 1.47:

It is respectfully submitted that the requirements of 37 C.F.R. 1.47 have been satisfied, and this application should be accepted without a signed oath or declaration by Dr. Shemi

In particular, the Belzer Declaration demonstrates that certain papers, including the declaration for the '053 Application, were transmitted to Dr. Shemi by Registered Mail on August 30, 2007. In a telephone conversation on September 25, 2007 between Dr. Shemi and Mr. Belzer, Dr. Shemi acknowledged that he received the materials sent to him.

The Belzer Declaration further shows that during the September 25, 2007 telephone conversation with Dr. Shemi, Mr. Belzer, verbally requested Dr. Shemi to sign the Declaration for the '053 Application, but he verbally refused to do so. Mr. Belzer's Declaration also shows that Dr. Shemi's departure from ColorChip was not on friendly terms, and that Dr. Shemi responded with hostility when Mr. Belzer requested him to sign the declaration for the '053 Application.

Finally, Mr. Belzer states that it was clear from the conversation that Dr. Shemi understood exactly what he was being asked to do, and it was clear that he would not do it.

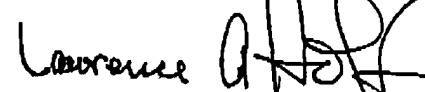
It is respectfully submitted Messrs. Malinovich and Arad, and ColorChip are entitled to rely on 37 C.F.R. § 1.47, and have fully complied with its requirements.

In view of the foregoing, prompt and favorable consideration of this Petition, reinstatement of the application, and acceptance of the application under 37 C.F.R. § 1.47 are respectfully requested.

Date: December 20, 2007

Respectfully submitted,

Yacov MALINOVITZ et al



Lawrence A Hoffman, Reg. No. 22,436  
EMPK & SHILOH, LLP  
116 John Street, Suite 1201  
New York, NY 10038  
General Phone: (212) 608-4141  
Facsimile: (212) 608-4144

## ATTACHMENT 1

**ATTACHMENT 2**

Attorney Docket No.: P-6624-US

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name.

I believe that I am the original and first sole inventor or an original and first joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM AND METHOD FOR THE FABRICATION OF AN ELECTRO-  
OPTICAL MODULE**

the Specification of which



is attached hereto

was filed on February 20, 2005

as United States Application Number or PCT International  
Application No. PCT/IL2005/000208

and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim priority under Title 35, United States Code, §119 of any provisional application filed in the United States in accordance with 35 U.S.C. §119(e), or any application for patent that has been converted to a Provisional Application within one (1) year of its filing date, or any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**PRIOR FILED APPLICATION(S)**

<u>APPLICATION NUMBER</u>	<u>COUNTRY</u>	<u>(DAY/MONTH/YEAR FILED)</u>	<u>PRIORITY CLAIMED</u>
60/545,171	US	18 February 2004	YES
60/545,496	US	19 February 2004	YES
PCT/IL2005/000208	IL	20 February 2005	YES

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in any prior United States application in the manner provided by

Attorney Docket No.: P-6624-US

the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NO.	FILING DATE (DAY/MONTH/YEAR)	STATUS - PATENTED, PENDING, ABANDONED
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I hereby appoint as my attorney(s) and agent(s) Mark S. Cohen (Attorney, Registration No. 42,425) or Caleb Pollack (Attorney, Registration No. 37,912) or Guy Yonay (Attorney, Registration No. 52,388) or Guy Levi (Attorney, Registration No. 55,376) or Naim Shichrur (Agent, Registration No. 56,248) or Rachel Teitelbaum (Agent, Registration No. 56,708) or David A. Loewenstein (Attorney, Registration No. 35,591) or Robert D. Schaffer (Attorney, Registration No. 33,775) or Michael A. Yamin (Agent, Registration No. 44,414), said attorney(s) and agent(s) with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. These attorneys and agents are associated with Customer Number 49443.

Please address all correspondence regarding this application to:

PEARL COHEN ZEDEK LATZER, LLP  
1500 BROADWAY, 12TH FLOOR  
NEW YORK, NEW YORK 10036

Customer No. 49443

Direct all telephone calls to (646) 878-0800 and all facsimiles to (646) 878-0801.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF INVENTOR: SHEMLI, Amotz

FULL RESIDENCE ADDRESS: 24 Malchoi Yehuda Street, Herzliya 46348, Israel

COUNTRY OF CITIZENSHIP: Israel

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE \_\_\_\_\_  
(day / month / year)

10.06.07 2007 14.00

E 0 0 0 0 0 0

J. 1047 1. 4

Attorney Docket No.: P-6624-US

FULL NAME OF INVENTOR: MALINOVICH, Yacov

FULL RESIDENCE ADDRESS: 16 Zaid St, Tivon 36021, Israel

COUNTRY OF CITIZENSHIP: Israel

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR

DATE 15 07 2007  
(day / month / year)

FULL NAME OF INVENTOR: ARAD, Eli

FULL RESIDENCE ADDRESS: 12 Arnon St., Tel Aviv 63455, Israel

COUNTRY OF CITIZENSHIP: Israel

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR

DATE \_\_\_\_\_  
(day / month / year)

3

COLORCHIP

11/8/11 P.8/11

+972 4 637 7307 COLORCHIP LTD

15.JAN.2007 12:22

11/8/11 P.8/11

+972 4 637 7307 COLORCHIP LTD

16.JAN.2007 15:33



**ATTACHMENT 3**

DEC 20 2007

PTO/SB/82 (04-06)

Approved for use through 11/30/2005. OMB 0651-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS</b>	Application Number	10/590,053
	Filing Date	August 21, 2006
	First Named Inventor	SHEMI, Amotz
	Group Art Unit	
	Examiner Name	
	Attorney Docket Number	P-6824-US

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☐ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number: **56639**

☐ Please change the correspondence address for the above-identified application to:

☐ The address associated with Customer Number:

OR

<input type="checkbox"/> Firm or Individual Name	EMPK & Shiloh, LLP				
Address	116 John Street, Suite 1201				
Address	1700 Diagonal Road, Suite 450				
City	New York	State	NY	ZIP	10038
Country	USA				
Telephone	(212) 608 4141	Fax	(212) 608-4144		

I am the:

☒ Applicant/Inventor

☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
*Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)*

**SIGNATURE of Applicant or Assignee of Record**

Name	ARAD, E				
Signature					
Date	30.8.07	Telephone			

Note: Signatures of all the inventors or assignees of record of the entire interest of their representatives(s) are required. Submit multiple forms if more than one signature is required, see below.\*

☐ \*Total of forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DEC 20 2007

PTO/SB/92 (04-05)

Approved for use through 11/30/2005. OMB 0451-0035  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS</b>	Application Number	10/890,053
	Filing Date	August 21, 2006
	First Named Inventor	SHEIN, Anatoly
	Group Art Unit	
	Examiner Name	
	Attorney Docket Number	P-6624-US

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☐ A Power of Attorney or Authorization of Agent is submitted herewith.

**OR**

☒ I hereby appoint the practitioners associated with the Customer Number: **58639**

☐ Please change the correspondence address for the above-identified application to:

☐ The address associated with Customer Number:

**OR**

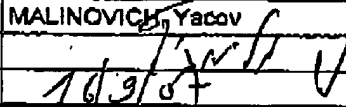
<input type="checkbox"/> Firm or Individual Name	EMPK & Shiloh, LLP				
Address	116 John Street, Suite 1201				
Address	1700 Diagonal Road, Suite 450				
City	New York	State	NY	ZIP	10038
Country	USA				
Telephone	(212) 608 4141	Fax	(212) 608-4144		

I am the:

☒ Applicant/Inventor

☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
*Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)*

**SIGNATURE of Applicant or Assignee of Record**

Name	MALINOVICH, Yacov				
Signature					
Date	10/3/07	Telephone	+972-4-9931378		

Note: Signatures of all the inventors or assignees of record of the entire interest of their representatives(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of  forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting this completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**ATTACHMENT 4**

DECLARATION OF SHAI BELZER IN SUPPORT OF  
PETITION UNDER 37 C.F.R. §1.47(a)

I, Shai Belzer, declare as follows, under penalty of perjury:

1. I am employed as the Chief Financial Officer of ColorChip, Ltd. Of 1 Leshem Street, Industrial Park, Caesarea 38900, Israel (hereafter, "ColorChip.") since November 20, 2005

2. I am making this Declaration in support of a Petition being submitted to the U.S. Patent and Trademark Office to accept U.S. Patent Application Ser. No. 10/590,053, filed on August 21, 2006 (the '053 Application), without a declaration signed by one of the inventors, Dr. Amotz Shemi, a former ColorChip employee. This declaration is based on personal knowledge and on records of ColorChip, which I believe to be correct

3. According to ColorChip's records, Dr. Shemi was employed by ColorChip as Chief Executive Officer from October 3, 2002 to July 4, 2005.

4. The '053 Application is a U.S. National Phase application based on international application PCT/IL2005/000208 (the PCT Application).

5. It was determined that Dr. Amotz Shemi, Yacov Malinovich, and Eli Arad, all employees of ColorChip, were the inventors of the subject matter of the PCT Application. Dr. Shemi, and Messrs. Malinovich and Arad, were accordingly requested to sign a Declaration for the U.S. '053 Application. Messrs. Malinovich and Arad signed the declaration without objection.

6. On August 30, 2007, I sent copies of several documents, including the Declaration for the '053 Application, to Dr. Shemi by Registered Mail at the following address, indicated in ColorChip's records as Dr. Shemi's last known address:

24 Malchei Yehuda Street  
Herzliya 46348  
Israel

7. Along with the other papers I included a letter dated August 29, 2007 requesting Dr. Shemi to sign and return the documents. A copy of my letter is attached as Exhibit A.

8. On September 25, 2007, Dr. Shemi called me and told me he had received the papers. I verbally requested Dr. Shemi to sign the Declaration for the '053 Application, and he verbally refused to do so. According to my understanding, Dr.

Shemi's departure from ColorChip, was not on friendly terms. In our September 25 conversation, Dr. Shemi responded with hostility, and stated, in effect, that under the circumstances, it was outrageous for ColorChip to ask for his cooperation.

9. It was clear from the conversation that Dr. Shemi understood exactly what I wanted him to do, and it was clear that he would not do it.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 19001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date 18 December 2007

  
Shai Belzer

**EXHIBIT A**



August, 29, 2007

Attention: Amotz Shemi

Dear Amotz,

During our patent filing process we were surprised to learn that several documents that require your signature were never signed.

The Patents that I refer to are:

- System and Method for manufacturing of electro-optical module
- Methods and Process of tapering waveguides and of forming optimized waveguide structures.

For your convenience attached please find all the necessary documents that require your signature.

I would appreciate it if you would sign on the signature block and fax the documents to fax number: 04.6377307.

Please send the original signed documents to:

ColorChip (Israel) LTD  
Attention Shai Belzer  
1 Leshem St. Caesarea 38900 Israel.

Thanks for your cooperation, please do not hesitate to contact me for any clarification.

Best Regards

Shai Belzer

Chief financial officer

Color-Chip

---

ColorChip (Israel) Ltd, 1 Leshem St., P.O. Box 3133 Industrial Park, Caesarea 38900,  
Tel: +972 4 637 6667, Fax: +972 4 637 7307  
e-mail: [info@color-chip.com](mailto:info@color-chip.com), Website: <http://www.color-chip.com>



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Page 1 of 2

DEC 20 2007

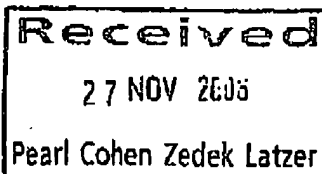


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address COMMISSIONER FOR PATENTS  
P.O. Box 1418  
Alexandria, Virginia 22312-1418  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/590,053	FIRST NAMED APPLICANT Amotz Shemi	ATTY. DOCKET NO. P-6624-US
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49443  
PEARL COHEN ZEDEK, LLP  
PEARL COHEN ZEDEK LATZER, LLP  
1500 BROADWAY 12TH FLOOR  
NEW YORK, NY 10036



INTERNATIONAL APPLICATION NO. PCT/IL05/00208	
I.A. FILING DATE 02/20/2005	PRIORITY DATE 02/18/2004

CONFIRMATION NO. 5606  
371 FORMALITIES LETTER  
\*0C00000021294916\*

Date Mailed: 11/20/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Copy of the International Application filed on 08/21/2006
- Copy of the International Search Report filed on 08/21/2006
- Copy of IPE Report filed on 08/21/2006
- Preliminary Amendments filed on 08/21/2006
- Oath or Declaration filed on 08/21/2006
- Request for Immediate Examination filed on 08/21/2006
- U S Basic National Fees filed on 08/21/2006
- Priority Documents filed on 08/21/2006

The applicant needs to satisfy supplemental fees problems indicated below

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

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Page 2 of 2

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Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebo>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/590,053	PCT/IL05/00208	P-6624-US

FORM PCT/DO/EO/805 (37) Formalities Notice)

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Attorney Docket No.: P-6624-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): SHEMI, Amotz et al. Examiner: Not yet assigned  
Serial No.: 10/590,053 Group Art Unit: Not yet assigned  
Filed: August 21, 2006  
Title: SYSTEM AND METHOD FOR MANUFACTURING OF ELECTRO-OPTICAL  
MODULE

---

ATTN: Office of Petitions  
Commissioner For Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION  
UNDER 37 C.F.R. §1.137(b) AND UNDER 37 C.F.R. §1.47

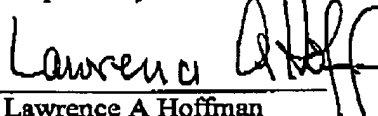
Dear Sir:

Attached is a Petition to Revive Unintentionally abandoned application under 37 C.F.R. 37 C.F.R. §1.137(b) as well as a Petition under §1.47 in connection with the above identified matter.

Please charge the fee of \$775.00 under 37 C.F.R. §1.17(m) for the Petition to Revive and the fee of \$200.00 under 37 C.F.R. §1.17(g) for the 37 C.F.R. 1.47 Petition; as well as any other fees that may be due to Deposit Account No. 50-3400.

12/26/2007 GFREY1 00000114 503400 10590053  
01 FC:1463 200.00 DA

Respectfully submitted,



Lawrence A Hoffman  
Attorney for Applicant(s)  
Registration No. 22,436

Dated: December 20, 2007  
EMPK & Shiloh, LLP  
116 John St., Suite 1201  
New York, NY 10038  
General Phone: (212) 608-4141  
Facsimile: (212) 608-4144

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DEC 20 2007

COVER PAGE LISTING DOCUMENTS BEING TRANSMITTED VIA FACSIMILE

20 Pages via facsimile: 571-273-8300  
 Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

Certificate of Transmission  
 I hereby certify that this correspondence is being facsimile  
 transmitted to the U.S. Patent and Trademark Office (fax no.  
 1-571-273-8300/) on 20 December, 2007

  
 Ellen Boormeester

APPLICANT(S): SHEMI, Amotz et al. EXAMINER: Not yet assigned  
 Serial No.: 10/590,053 GROUP ART UNIT: Not yet assigned  
 Filing Date: August 21, 2006 ATTORNEY DOCKET NO.: P-6624-US  
 FOR: SYSTEM AND METHOD FOR THE FABRICATION OF AN ELECTRO-  
 OPTICAL MODULE

## Please find:

- |   |   |
|---|---|
| <p>1. <input type="checkbox"/> Provisional Cover Sheet</p> <p>2. <input type="checkbox"/> Utility Patent Application Transmittal</p> <p>3. <input type="checkbox"/> RCE Transmittal Sheet</p> <p>4. <input type="checkbox"/> Fee Transmittal Sheet</p> <p>5. <input type="checkbox"/> Patent Application Under 35 USC 111(a)</p> <p>    <input type="checkbox"/> Provisional Patent Application Under 35 USC 111(b)</p> <p>    <input type="checkbox"/> Transmittal Sheet for Entering National Phase<br/>               Containing:<br/>               ____ Pages of Specification<br/>               ____ Pages of Claims<br/>               ____ Page of Abstract<br/>               ____ Pages of Formal Drawings<br/>               ____ Pages of _____</p> <p>6. <input type="checkbox"/> Signed Declaration &amp; Power of Attorney</p> <p>7. <input type="checkbox"/> Request for Correction of Recordation of Assign. and:<br/>           - Recordation Cover Sheet<br/>           - Copy of Notice of Recordation of Assign.</p> <p>8. <input type="checkbox"/> Recordation of Assign. Cover Sheet &amp; Signed Assign.</p> | <p>9. <input type="checkbox"/> Response to Notice to File Missing Parts</p> <p>10. <input type="checkbox"/> Response to Notice of Incomplete Reply</p> <p>11. <input type="checkbox"/> Request for Correction of Filing Receipt</p> <p>12. <input type="checkbox"/> Information Disclosure Statement including:<br/>           - Form PTO 1449 and references _____</p> <p>13. <input type="checkbox"/> Preliminary Amendment</p> <p>14. <input type="checkbox"/> Response to Office Action<br/>           dated _____</p> <p>15. <input type="checkbox"/> Petition for a One Month(s) Extension of Time</p> <p>16. <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Appeal Brief _____</p> <p>17. <input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Publication Fee</p> <p>18. <input type="checkbox"/> Submission of Formal Drawings: Two sets of<br/>           _____ Sheets containing Figs. _____</p> <p>19. <input type="checkbox"/> Certified Copy of Priority Doc.</p> <p>20. <input type="checkbox"/> Claim for Convention Priority</p> <p>21. <input type="checkbox"/> Revocation and Power of Attorney, including:<br/>           - Statement Under 37 CFR 3.73(b)<br/>           - Copy of Assignment</p> <p>22. <input checked="" type="checkbox"/> Other: <u>Petition to Revive Unintentionally<br/>           Abandoned application under C.F.R. 1.137(B)<br/>           and Petition under C.F.R. 81.47; Notice of<br/>           Missing Parts under 35 U.S.C. 371</u></p> |
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Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/590,053	PCT/IL05/00208	P-6624-US

FORM PCT/DO/EO/805 (371 Formalities Notice)

Attorney Docket No.: P-6624-US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: SHEMI, Amotz et al.

Serial Number: 10/590,053

Filed: August 21, 2006, as a National Phase Application of PCT  
International Application No. PCT/IL2005/000208, filed on  
February 20, 2005For: SYSTEM AND METHOD FOR THE FABRICATION OF AN ELECTRO-  
OPTICAL MODULE

Group Art Unit: Not Assigned

Examiner: Not Assigned

This Communication Submitted: December 20, 2007

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Mail Stop Petition  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION  
UNDER 37 C.F.R. §1.137(B) AND UNDER 37 C.F.R. §1.47

Sir:

Applicants Yacov Malinovich and Eli Arad, for themselves and on behalf of co-inventor Dr. Amotz Shemi, hereby respectfully petition the Commissioner under 37 C.F.R. §1.137(b) to revive the above-referenced unintentionally abandoned application, and to accord the application status as complete and acceptable in the absence of an oath or declaration of one of the inventors, Dr. Amotz Shemi under 37 C.F.R. §1.47.

SUPPORTING INFORMATION

Last Known Address of Dr. Shemi:

24 Malchei Yehuda Street  
Herzliya 46348  
Israel

APPLICANT(S): SHEMI, Amotz et al.  
SERIAL NO.: 10/590,053  
FILED: August 21, 2006

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Supporting Documents:

Attachment (1): Authorization to charge to Deposit Account No. 50-3400 the fee of \$775.00 under 37 C.F.R. §1.17(m) for the Petition to Revive and the fee of \$200.00 under 37 C.F.R. §1.17(g) for the 37 C.F.R. 1.47;

Attachment (2): Declaration for the present application signed by Yacov Malinovich and Eli Arad, two of the three inventors of the subject matter of this application;

Attachment (3): Revocation of Power of Attorney and Substitute Power of Attorney in favor of the undersigned, and including a change of correspondence address signed by Messrs Malinovich and Arad;

Attachment (4): Declaration of Shai Belzer, Chief Financial Officer of ColorChip Ltd.. ("ColorChip"), the company by whom the inventors were employed when the invention was made (the "Belzer Declaration").

DISCUSSION

Regarding the Aspect of This Petition to Revive an Abandoned Application:

The above identified application became abandoned on May 20, 2007 for failure to respond to a Notification of Missing Requirements Under 35 U.S.C. §371 (the Notification) dated November 20, 2006, which indicated that the oath or declaration filed with the application was not executed in accordance with 37 C.F.R. §1.66 or 37 C.F.R. §1.68.

As a consequence of the engagement of new attorneys, as indicated by Attachment (3), and the physical transfer of the application file, the need to respond to the Notification was overlooked. The entire delay in filing the required reply in response to the Notification from the due date for the reply until the filing of the present, grantable Petition to Revive under to 37 C.F.R. §1.137(b), was unintentional.

The accompanying declaration (Attachment (2)) signed by Messrs. Malinovich and Arad, two of the three inventors, is in proper form, and overcomes the deficiency stated in the Notification as to these two inventors. It is respectfully submitted that the aspect of this petition directed to 37 C.F.R. 1.47, the Belzer Declaration (Attachment (4)), and the other



APPLICANT(S): SHEMI, Amotz et al.  
SERIAL NO.: 10/590,053  
FILED: August 21, 2006

information contained herein, constitute a complete response to the Notification as to Dr. Shemi.

Regarding the Aspect of This Petition Directed to 37 C.F.R. 1.47:

It is respectfully submitted that the requirements of 37 C.F.R. 1.47 have been satisfied, and this application should be accepted without a signed oath or declaration by Dr. Shemi

In particular, the Belzer Declaration demonstrates that certain papers, including the declaration for the '053 Application, were transmitted to Dr. Shemi by Registered Mail on August 30, 2007. In a telephone conversation on September 25, 2007 between Dr. Shemi and Mr. Belzer, Dr. Shemi acknowledged that he received the materials sent to him.

The Belzer Declaration further shows that during the September 25, 2007 telephone conversation with Dr. Shemi, Mr. Belzer, verbally requested Dr. Shemi to sign the Declaration for the '053 Application, but he verbally refused to do so. Mr. Belzer's Declaration also shows that Dr. Shemi's departure from ColorChip was not on friendly terms, and that Dr. Shemi responded with hostility when Mr. Belzer requested him to sign the declaration for the '053 Application.

Finally, Mr. Belzer states that it was clear from the conversation that Dr. Shemi understood exactly what he was being asked to do, and it was clear that he would not do it.

It is respectfully submitted Messrs. Malinovich and Arad, and ColorChip are entitled to rely on 37 C.F.R. § 1.47, and have fully complied with its requirements.

In view of the foregoing, prompt and favorable consideration of this Petition, reinstatement of the application, and acceptance of the application under 37 C.F.R. § 1.47 are respectfully requested.

Date: December 20, 2007

Respectfully submitted,

Yacov MALINOVITZ et al



Lawrence A Hoffman, Reg. No. 22,436  
EMPK & SHILOH, LLP  
116 John Street, Suite 1201  
New York, NY 10038  
General Phone: (212) 608-4141  
Facsimile: (212) 608-4144

## **ATTACHMENT 1**

**ATTACHMENT 2**